



## CPED STAFF REPORT

Prepared for the Board of Adjustment

BOA Agenda Item #1  
September 11, 2014  
BZZ-6712

### LAND USE APPLICATION SUMMARY

**Property Location:** 4910 Russell Avenue South  
**Project Name:** 4910 Russell Avenue South – Variance for Construction of Attached Garage  
**Prepared By:** Andrew Liska, City Planner, 612.673.2264  
**Applicant:** Deanna Dickens  
**Project Contact:** Deanna Dickens  
**Request:** Variance to construct an attached garage.  
**Required Applications:**

<b>Variance</b>	To reduce the south interior side yard setback from 6 feet to 5 feet.
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### SITE DATA

<b>Existing Zoning</b>	RI and SH
<b>Lot Area</b>	6,804 square feet
<b>Ward(s)</b>	13
<b>Neighborhood(s)</b>	Fulton
<b>Designated Future Land Use</b>	Urban Neighborhood
<b>Land Use Features</b>	N/A
<b>Small Area Plan(s)</b>	N/A

### BACKGROUND

**SITE DESCRIPTION AND PRESENT USE.** The subject property is zoned RI (Single Family District) and is in the SH (Shoreland Overlay District). The parcel is approximately 50 feet by 136 feet (6,804 square feet). A one and one half story single-family residence with detached garage occupies this site. There is no alley serving this parcel thus, the garage is accessed from the driveway off of Russell Avenue South.

**SURROUNDING PROPERTIES AND NEIGHBORHOOD.** The property to the north, 4904 Russell Avenue South, has a detached garage to the rear of the property. The property to the south, 4916, has an attached garage. Of all the dwellings on this block, the property to the south is the only property that has an attached garage.

**PROJECT DESCRIPTION.** This item is continued from the August 21, 2014 Board of Adjustment meeting as staff did not prepare Shoreland Overlay findings associated with this variance.

<b>Date Application Deemed Complete</b>	July 30, 2014	<b>Date Extension Letter Sent</b>	N/A
<b>End of 60-Day Decision Period</b>	September 28, 2014	<b>End of 120-Day Decision Period</b>	N/A

The applicant is seeking to remove the existing thirty-two (32) foot by twenty-one (21) foot detached garage in the rear of the property. Proposed is an attached garage measuring twelve (12) feet by twenty-four (24) feet attached to the south facing wall of the existing single-family dwelling.

The proposed garage is five (5) feet from the south interior side lot line. The required interior side setback for the R1 Zoning District is six (6) feet. The applicant is seeking a variance to reduce the required interior side yard setback by one (1) foot to allow for the construction of an attached garage.

**PUBLIC COMMENTS.** As of writing this report, staff has not received any correspondence from the Fulton Neighborhood Association. Any correspondence received prior to the public meeting will be forwarded on to the Board of Adjustment for consideration.

**ZONING ANALYSIS.** An analysis indicates that the proposed attached garage will meet minimum zoning standards, with the exception of the required south side yard. A full building permit will be required for the construction of said attached garage and these figures will be confirmed if the variance is granted to reduce the required interior side yard setback.

## ANALYSIS

### VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance of Chapter 525, Article IX Variances, specifically Section 525.520(1) "to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations," based on the following findings:

1. *Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.*

There are no unique aspects to this parcel that create a practical difficulty in complying with ordinance. The existing dwelling is seventeen (17) feet from the southern property boundary. The applicant would be able to construct an attached garage and meet ordinance standards by proposing an eleven (11) feet wide garage rather than twelve (12) feet. The applicant would also be able to construct a detached garage to the rear of the structure and meet ordinance.

The applicant notes that the variance is being requested due to the slope of the driveway and accessing in the winter months is difficult due to ice and snow. While minor grade changes exist, they do not demonstrate an inability to reduce the garage width to eleven (11) feet to meet ordinance or reconfigure a detached garage to the rear with easier access.

2. *The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.*

While staff has some concern about the proximity of the garage to the neighboring home to the south, the applicant is proposing to use the property in a reasonable manner. This is a residential area and the proposed attached garage, while not prevalent in the area, is not completely uncommon. This is consistent with the character of the area and the future land-use map demonstrated in the Comprehensive Plan.

3. *The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.*

Although staff has some concern about locating the garage approximately 10 feet from the neighboring home to the south, the proposed variance will not alter the character of the locality or be injurious to the use or enjoyment of other property in the vicinity. Health, safety, and welfare of the general public will not be compromised if this variance is granted.

## FINDINGS REQUIRED BY THE MINNEAPOLIS CODE FOR DEVELOPMENT IN THE SHORELAND OVERLAY DISTRICT

1. *Prevention of soil erosion or other possible pollution of public waters, both during and after construction.*

Staff finds that, if sound soil erosion practices are followed during construction, the proposed project will prevent soil erosion by increasing on-site water retention with the elimination of impervious surfaces. The proposed attached garage would eliminate impervious surface coverage associated with the removal of the existing garage (32 feet by 21 feet) and hard surfacing in the rear. The subject site will not adversely affect the water quality of Lake Harriet.

2. *Limiting the visibility of structures and other development from protected waters.*

The proposed attached garage is not located on or near the top of a steep slope, but is located within the SH Shoreland Overlay District. The proposed construction is located approximately 925 feet from Lake Harriet. The area between Lake Harriet and the subject property is developed with single-family dwellings and park land. Staff finds that the proposed attached garage will not be visible from Lake Harriet. The proposed location is to the south side of the dwelling and is situated towards the rear of the structure. The existing topography and natural vegetation will appear as it has for many years. Any views of the property from Lake Harriet will be consistent with what has existed on this property for many years.

3. *The suitability of the protected water to safely accommodate types, uses and numbers of watercraft that the development may generate.*

The subject property is located over 925 feet from Lake Harriet and does not include direct lake access.

## RECOMMENDATIONS

### **Recommendation of the Department of Community Planning and Economic Development for the Variance:**

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt the above findings and deny the application for a variance to reduce the south interior side yard setback from 6 feet to 5 feet for the construction of an attached garage at 4910 Russell Avenue South.

## ATTACHMENTS

1. Written description and findings submitted by applicant
2. Zoning map
3. Site plan/Survey
4. Building elevations

5. Floor plans
6. Photos
7. Correspondence
8. Minutes from August 21, 2014 BOA meeting

RE: Variance Request Proposed Attached Garage for 4910 Russell Ave South, Minneapolis MN 55410

Currently there is a detached 3 car garage built by the previous owner from whom I purchased the property. The previous owner removed the attached single car garage in order to build the existing 3 car garage.

I wish to remove the 3 car garage and concrete driveway and build an attached single car garage. Unfortunately, the three car garage was built at the end of a downward sloping driveway. In the 2 winters I have owned the property the garage has been unusable as it has not been possible to keep the driveway or garage door areas free from ice or snow. This has resulted in several falls. By removing the three car garage and lengthy driveway the property would regain a fenced in backyard with potential for a grass lawn, trees and shrubbery.

Building an single car 12X24 foot attached garage would require a 5 foot distance from the west side property line resulting in a 1 foot easement. The requested variance would not be detrimental to the health, safety or welfare of others as access would be maintained to and between properties.

The proposed attached garage would maintain the character of the property and essential character of the neighborhood. My intent is to repurpose as many of the materials from the existing garage as is practical.

Thank you for your consideration.

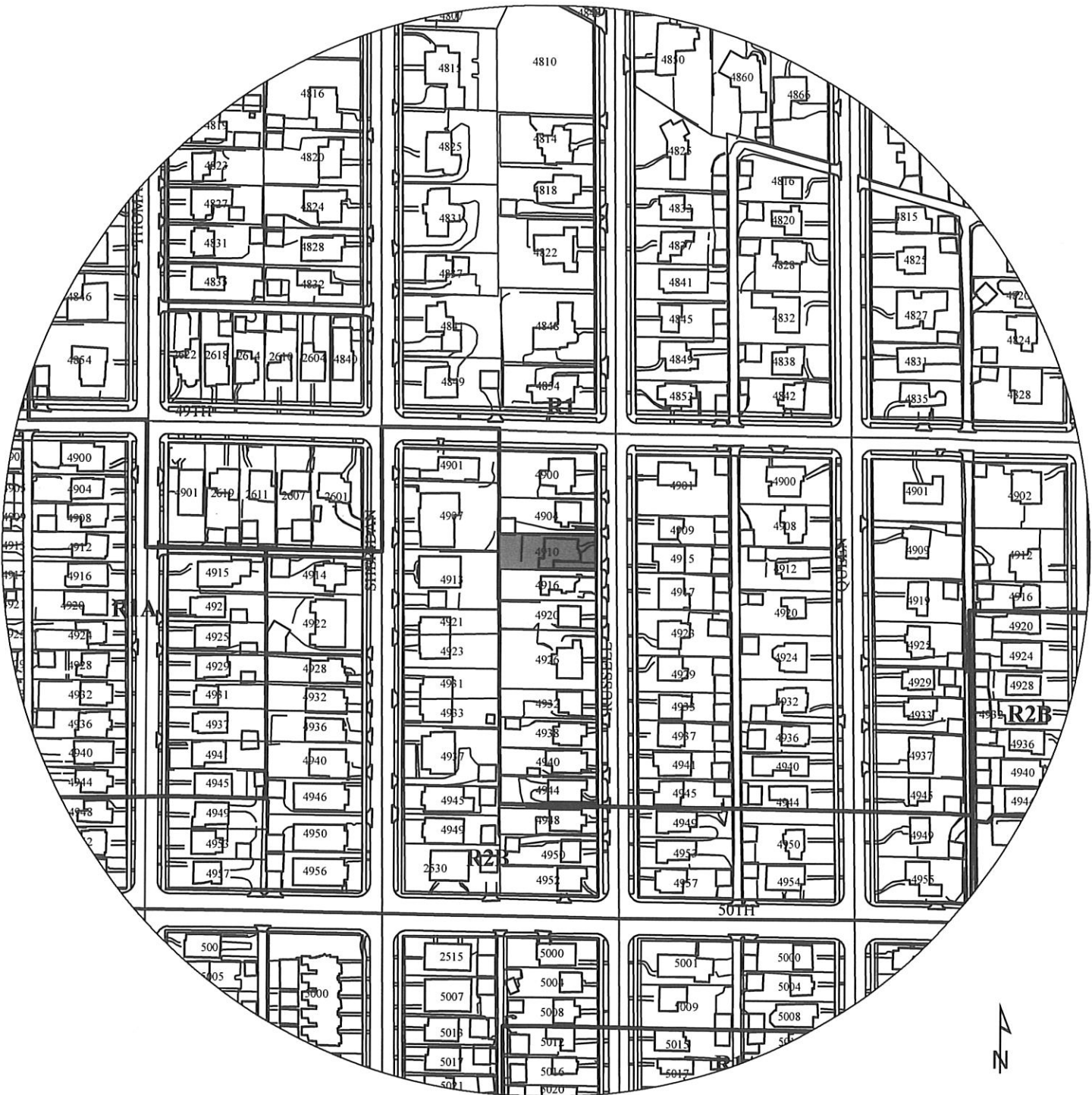
Deanna L. Dickens  
4910 Russell Ave South  
Minneapolis MN 55410  
651-233-8536  
deannadickens@gmail.com

Deanna Dickens

13th

NAME OF APPLICANT

WARD



200 100 0 200 400

PROPERTY ADDRESS

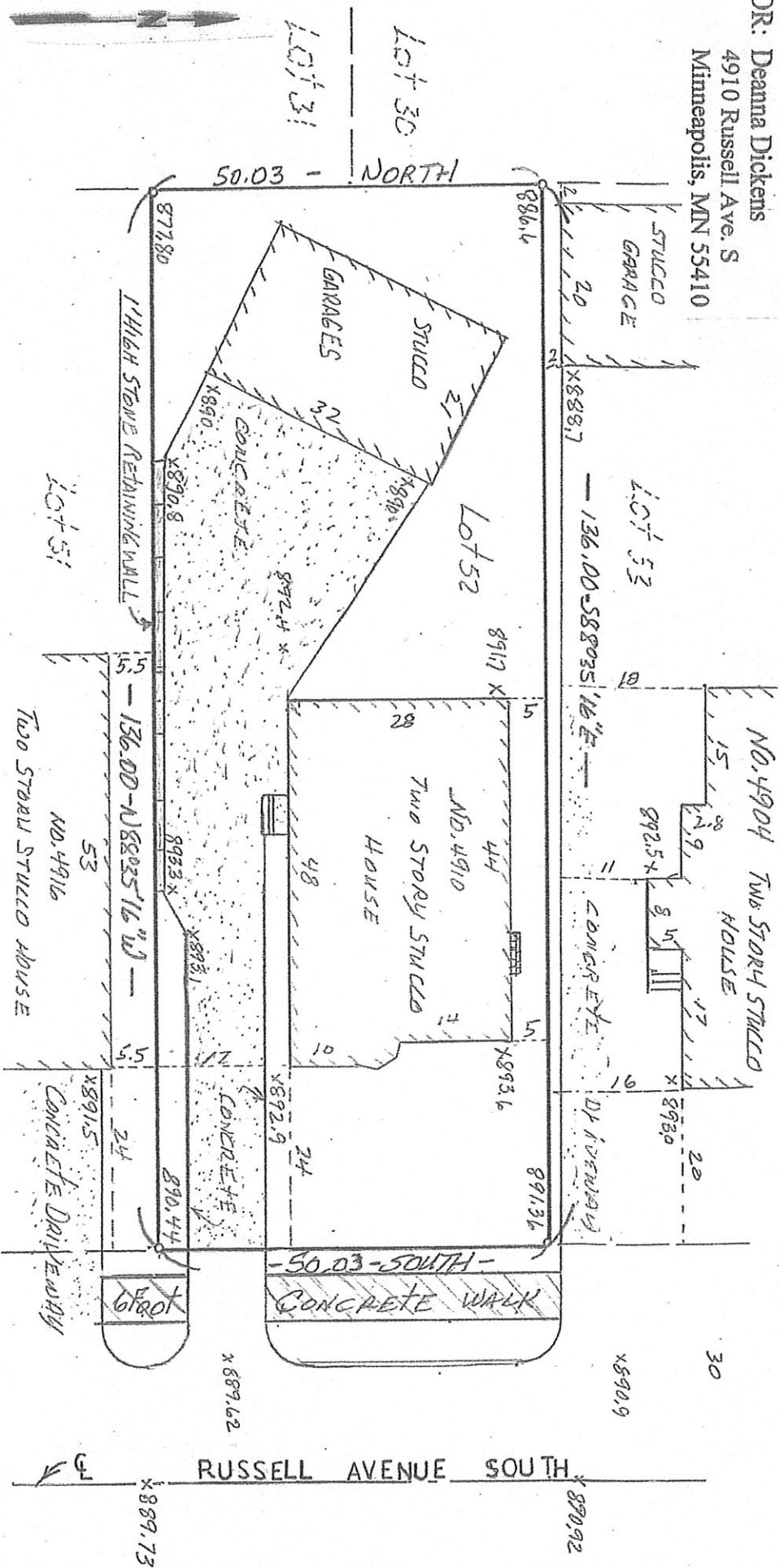
4910 Russell Avenue South

FILE NUMBER

BZZ-6712



CERTIFICATE OF SURVEY  
FOR: Deanna Dickens  
4910 Russell Ave. S  
Minneapolis, MN 55410



Scale: 1" = 20'

o denotes iron monument  
x000.0 = Existing elevation  
Bearings are assumed  
Parcel Area = 6804.08 Sq. Ft.

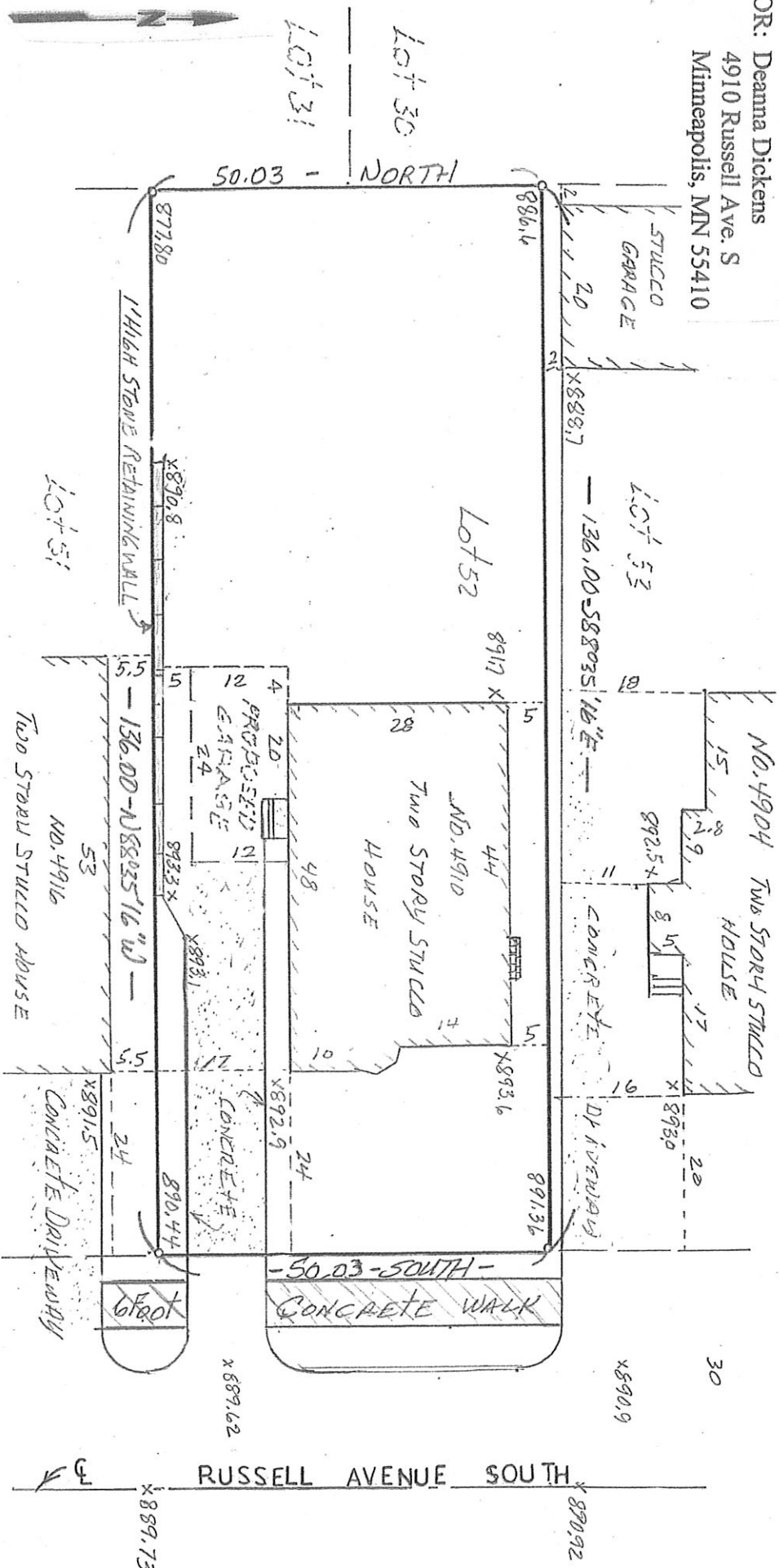
Legal Description:  
Lot 52, AUDITORS SUBDIVISION NO. 166  
HENNEPIN COUNTY MINN.

Benchmark: HNW @ 49th St and Russell Ave. S.  
N.G.V.D. 1929 adjusted elevation = 894.91 feet.

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.  
Surveyed by me this July 9, 2014.

*Herb F. Lemire*  
Herb F. Lemire RLS  
Minnesota Reg. No. 13349  
4416 Abbott Ave. N  
Robbinsdale, MN 55422  
Phone: 763.537.0497

CERTIFICATE OF SURVEY  
 FOR: Deanna Dickens  
 4910 Russell Ave. S  
 Minneapolis, MN 55410



Scale: 1" = 20'  
 o denotes iron monument  
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*Herb F. Lemire*  
 Herb F. Lemire RLS  
 Minnesota Reg. No. 13349  
 4416 Abbott Ave. N  
 Robbinsdale, MN 55422  
 Phone: 763.537.0497



**WORK ORDER**

HOME PHONE: 651-233-8536

BUS. PHONE: \_\_\_\_\_

NAME Deanna Dickens

JOB ADDRESS 4910 - Avenue Ave. So.

BLDG CODE AREA Minneapolis

SALESMAN Jim CONTRACT DATE 6-10-14 SIZE 12'x34'

FOR OFFICE USE ONLY ATT.

Permit by \_\_\_\_\_  
Legal Description \_\_\_\_\_  
Lot \_\_\_\_\_  
Blk \_\_\_\_\_  
Add'n \_\_\_\_\_  
Value \_\_\_\_\_  
Type Const. \_\_\_\_\_

SLAB  
☐ By First Landmark  
☐ By Owner Approx. \_\_\_\_\_  
☐ In \_\_\_\_\_  
2-STARTING POINTS ONLY  
S.P.L. \_\_\_\_\_  
S.S.P.L. \_\_\_\_\_  
R.P.L. \_\_\_\_\_  
Alley \_\_\_\_\_  
House \_\_\_\_\_  
F. Street \_\_\_\_\_  
Other \_\_\_\_\_

☐ Square With \_\_\_\_\_  
☐ Sod Rem. - By \_\_\_\_\_  
☐ A.B.U. \_\_\_\_\_  
☐ Grade Point \_\_\_\_\_  
☐ Conduit \_\_\_\_\_

☐ Blocks: ☐ By Owner ☐ By FLM  
☐ Wtr. proof: ☐ By Own. ☐ By FLM  
☐ Backfill: ☐ By Owner ☐ By FLM  
☐ Maintain 8' Total Wall Height  
Including Blocks OR  
☐ Maintain 8' Wall Height on  
Top of Blocks  
Block Size (Top course)  
☐ 8" ☐ 6" ☐ 4"

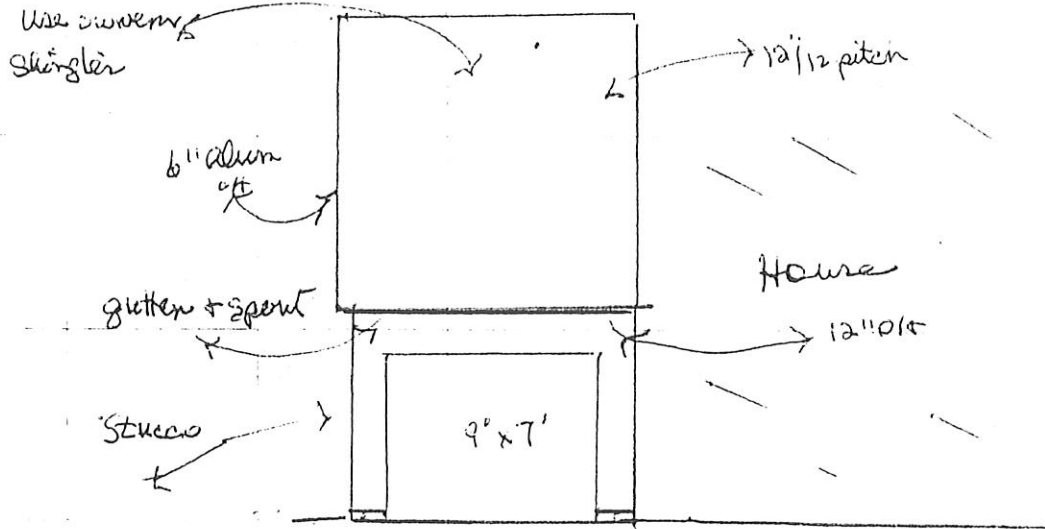
Wall Height other than 8' \_\_\_\_\_  
☐ Frame with full wall height  
sold OR  
☐ Cut studs as required for  
OHD clearance  
☐ O.H. Dr Offset  
☐ S.D. Location  
☐ Windows

☐ Attached Garage Roof Tie-in  
Drawn on attached pictures

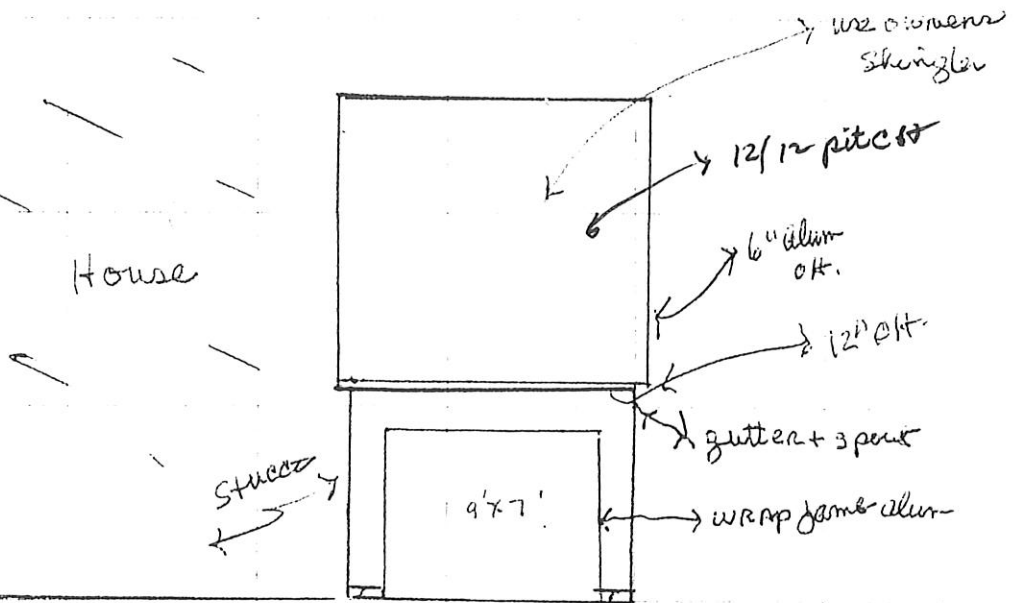
Existing garage: No ☐  
☐ Detached ☐ Attached Yes ☐  
Size of existing: \_\_\_\_\_x\_\_\_\_\_  
Existing garage will be:  
☐ Left as is  
☐ Converted to L.S. - By Owner  
☐ Removed by: ☐ Owner ☐ FLM

**Junk Must Be Removed By Owner**

☐ Specify removals by Landmark  
Owner - trees, bushes, etc.  
☐ Show approx. distance garage to  
house and all property lines  
Stakes visible - ☐ Yes ☐ No  
Survey available - ☐ Yes ☐ No  
☐ Special instructions from owner:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**EAST FRONT Side**



3' APRON

12'

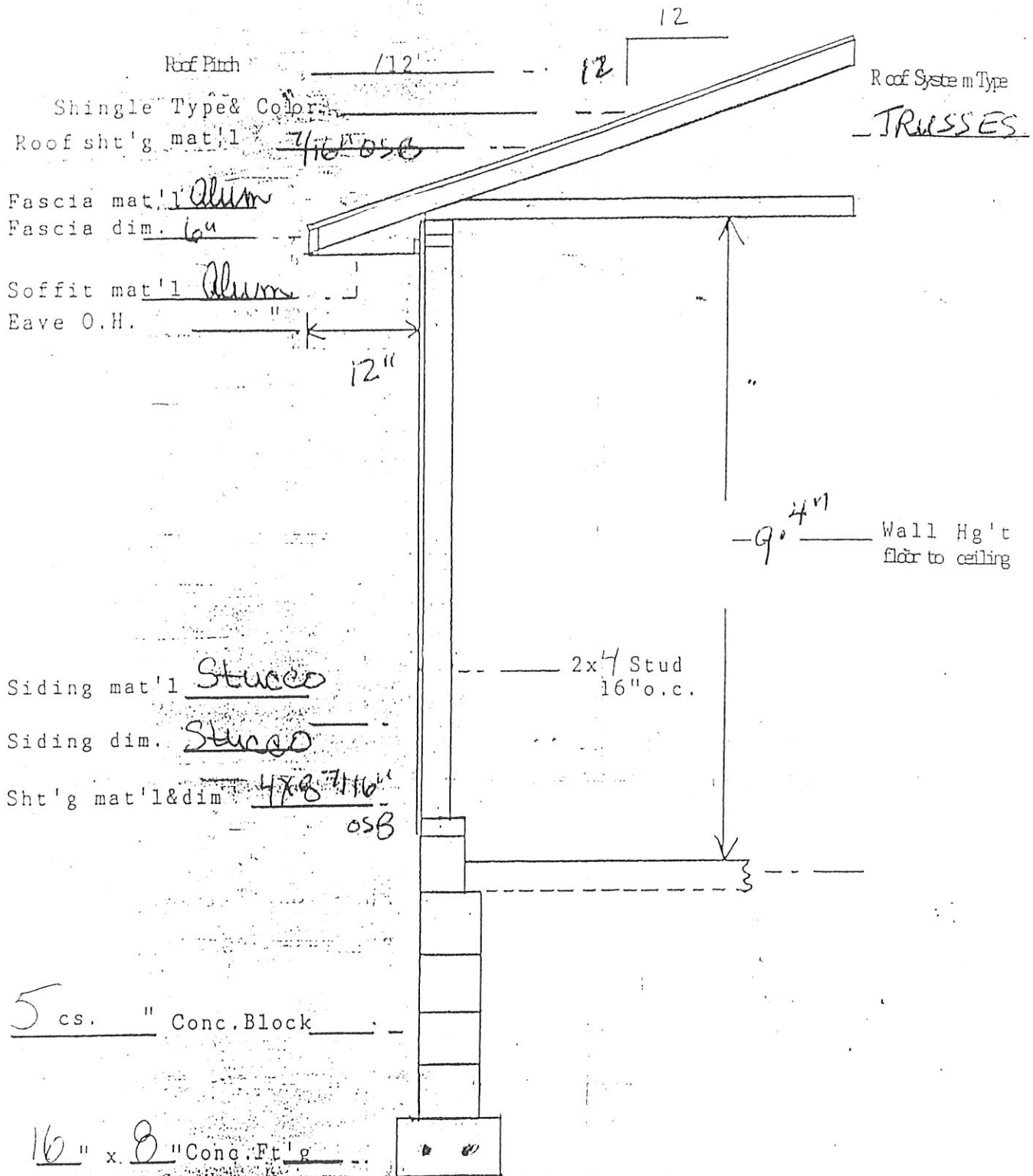
**ACCESS**

☐ Good  
☐ Fair  
☐ Poor

PURCHASER'S INITIALS: T77521

WEST Back side

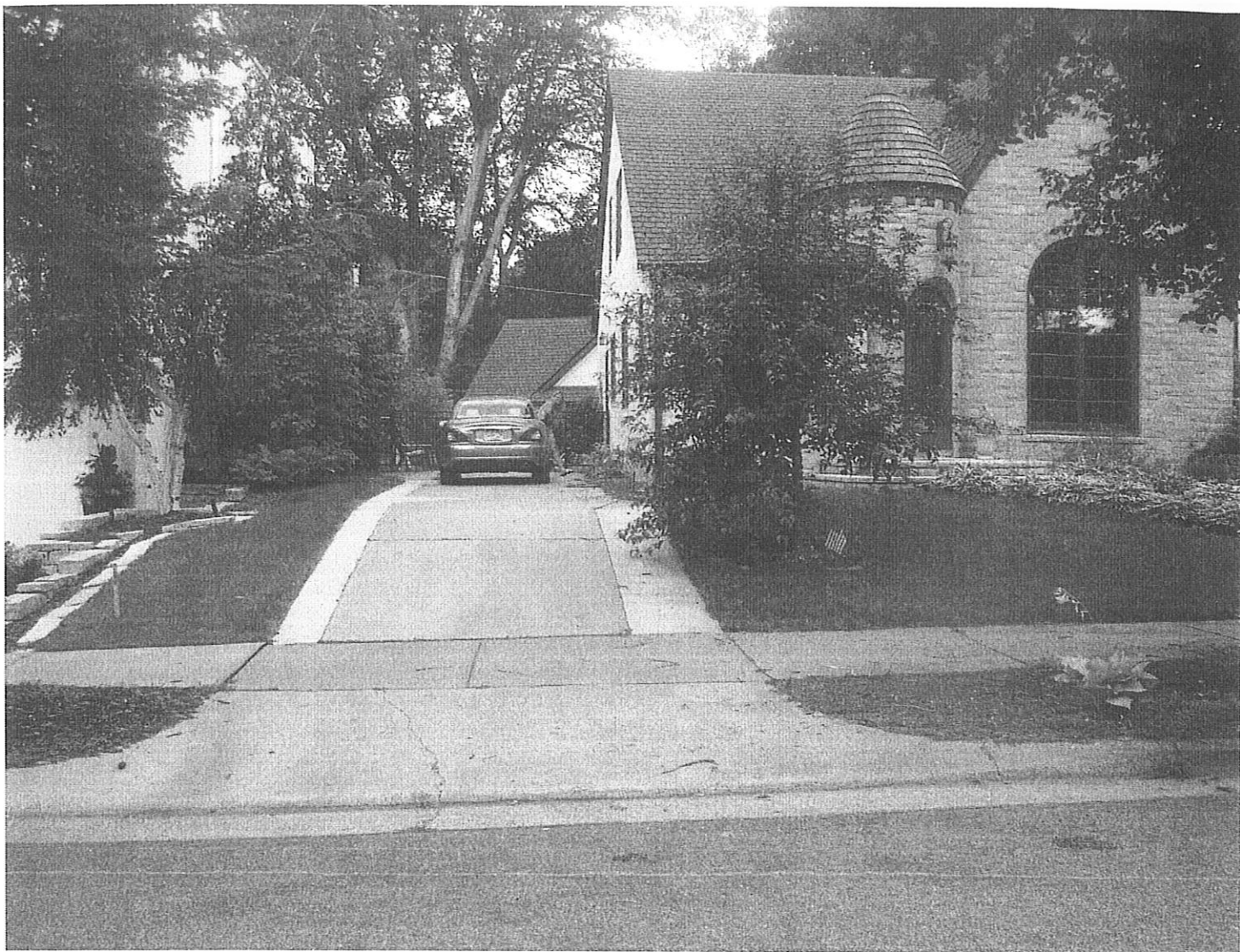




# ATTACHED GARAGE SPECIFICATIONS

First Landmark Builders  
255 Roselawn Ave. E. Suite 48  
Maplewood, MN 55117

JOB PHONE <u>651-233-8536</u>	DATE <u>6-10-14</u>
JOB NAME/LOCATION <u>Deanna Dickson</u>	
<u>4910 - Russell Ave. So.</u>	
<u>M. N. Neapolis</u>	













**Liska, Andrew**

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**From:** Joanne Manthe <joannemanthe@comcast.net>  
**Sent:** Saturday, August 09, 2014 2:37 PM  
**To:** Liska, Andrew  
**Subject:** 4910 Russell Avenue South - Requested Variance

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Mr. Liska,

I am the owner of the home located at 4916 Russell Avenue South, the home next door to the south of Deanna Dickens' home.

I have no objection to the variance she seeks to build an attached garage to her home with a 5 foot setback from our property line. I much prefer her plan for an attached garage to the existing 3 car garage on the property that the prior owner constructed.

Please contact me with any questions.

Joanne Manthe  
[joannemanthe@comcast.net](mailto:joannemanthe@comcast.net)  
612-254-5427

**Excerpt from the  
ZONING BOARD OF ADJUSTMENT MEETING  
Community Planning & Economic Development (CPED)  
250 South Fourth Street, Room 300  
Minneapolis, MN 55415-1385**

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The following actions were taken by the Zoning Board of Adjustment on August 21, 2014.

Board members present: John Finlayson, Eric Johannessen, Dan Ogiba, Matt Perry, Dick Sandberg, Jacob Saufley, and Ami Thompson

Committee Clerk: Fatima Porter 612.673.3153

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## **ITEM SUMMARY**

### **Description:**

#### **Item #4- 4910 Russell Avenue South (BZZ #6712 Ward 13) (Andrew Liska)**

Deanna Dickens has applied for a variance to reduce the required south interior side yard setback from six (6) feet to five (5) feet for the construction of a new attached garage at 4910 Russell Avenue South in the R1 Single-Family District and SH Shoreland Overlay District.

### **Action:**

The Board of Adjustment continued the application for one cycle to the September 11, 2014 meeting of the Board of Adjustment.

**Absent:** Cahill and Ditzler

**Motion approved to continue**

## **TRANSCRIPTION**

**Staff Liska presented the report.**

**Board member Sandberg:** I believe the property is in the Shoreland Overlay District for Lake Harriet as well. Are there any findings with regards to this application that would be applicable to the Shoreland Overlay District findings that are normally required?

**Chair Perry:** Mr. Sandberg and Mr. Liska, we need to take a full stop here. If this is in the Shoreland Overlay District, we need to stop and we need to continue this item. If we have not had findings found for that.

**Board member Sandberg:** Mr. Chair, I believe the agenda item description notes that it's in the Shoreland Overlay District.

**Chair Perry:** So, we don't have findings for that and is staff prepared to go through the findings?

**Staff Liska:** Sure.

**Board member Thompson:** Mr. Chair, may I speak. I would like to request this be continued. I would feel like I would like to have time to review this more thoroughly if it is in the Shoreland Overlay District so I cannot have to fly off the seat...off the cuff. I'd like time to review this.

**Staff Sether:** If I could just add something. This is an application for denial where staff has already not supported the findings. I think we could easily address the three additional findings based on the proposed project on the floor. But we would leave that to a vote of the Board of Adjustment.

**Chair Perry:** If there's a motion to continue and a second for the reasons stated. And that motion passes, and then we will continue. I understand staff believes that they can address those and that the item is currently being denied. I think that.. I will just add this, editorial comment that presupposes an outcome that is not one that we know what the outcome could be. Supported or not supported. Ms. Thompson.

**Board member Thompson:** I would like to move for a continuance. I think if nothing else we need to honor the process of this. And that would honor the process more so, and give everybody a chance to review. So I move for continuance.

**Chair Perry:** And how many cycles?

**Board member Thompson:** Just one.

**Chair Perry:** One cycle. That would be to our next meeting. And if someone could please tell me...there's a second. Is there a date?

**Staff Liska:** September 11<sup>th</sup>. The 60 day puts us at September 28<sup>th</sup> so we are fine in that regard.

**Chair Perry:** There's a motion to continue for the reasons that the motion maker made and it was seconded by Mr. Finlayson. Will the clerk please call the roll?

**Chair Perry:** That motion passes so we will continue this item which is 4910 Russell Avenue South one cycle. Now we need to go through a little bit of a process. Folks came down here to give testimony. And by continuing it, no action will be taken today. We will wait until our September 11<sup>th</sup> meeting to take this matter up again. The matter has already come before us, so when we're continuing it we don't restart the process. And so, what we do is we have the opportunity given to people, if they came down to speak today to speak on this item if you'd like. If you came here to speak for or against, you can speak. But on September 11<sup>th</sup> because it's a continuation of this same item, you won't get to speak again. Because in effect what you would have done is spoken twice for the same item. I don't know if folks are following that. So what I will do....

**Staff Sether:** The vote was taken prior to understanding if the applicant were available September 11<sup>th</sup>. So they will give testimony today but they will not be here on September 11<sup>th</sup>.

**Chair Perry:** So you have an opportunity to speak today as I said again. It is up to the discretion of the chair whether someone speaks twice; and because those meetings are so close it is unlikely that I would give someone an opportunity to speak twice, both today and at the next meeting on the same item. So if you're here and you'd like to speak on this item, please step forward, give your name and address for the record and give your testimony. And I'm gathering the person coming up is the applicant. Is that true?

**Deanna Dickens (4910 Russell Avenue South):** Correct. I really don't understand any of that Shoreland Overlay stuff you were talking about but I have to work on the 11<sup>th</sup>. So I'm not able to come on that day, unless i...I took today off to be here and changed with someone else. So.

**Chair Perry:** Thank you for doing so. Thank you for testifying. You can give your presentation today, its part of the record just as if you were speaking on the 11<sup>th</sup>.

**Deanna Dickens:** Currently on the property, like Mr. Liska pointed out, there's a three car garage and a significant driveway that the prior owner built. There was an attached garage that he demolished to build that three car garage. And while, I mean it's a beautiful garage, and I think he was a car enthusiast and had the vehicles to support that, I don't. And it's something that I won't use. If I demolish that building, then I would return approximately 2000 feet of soil and grass and trees and other things. Which I think would be helpful not only to my property but the neighborhood. The original structure did have an attached garage, which was a single car attached garage. I would like to have the 12 foot rather than the 11 foot garage because if I had an 11 foot garage, just opening my car doors that I have currently it would be 11 feet if I have the doors open inside of the garage. Just trying to enter the garage without pulling any mirrors in on my car which I can't do anyhow, would be seven and a half feet just to sort of get in to the garage. I think one of the things proposed was why couldn't I get an eight foot wide garage door, where the garage door I would put in now would be a nine foot garage door. Although I'm a good driver, I'm probably not an exceptional driver so I couldn't say that I would be able to safely get in an eight foot wide garage door. I did go to the Fulton Neighborhood Association, that's the neighborhood that I live in. I went August 11<sup>th</sup> and I talked to the zoning committee and they were in support of my proposal. They said that they don't write a letter, but if they opposed they would certainly send a letter to you saying that they opposed it. But they said that really I'm sort of doing the opposite of what most people do. Most people want to have a three car garage and I'm retaining the property or trying to return it to its 1930's state with having an attached garage. Lastly, my neighbor that is most effected, Joan Menthe, did send a letter and would really appreciate having an attached garage back rather than the three car garage, because really from her perspective all she can see is what she calls an entire other building that was put in the back of the yard that I have now.

**Chair Perry:** Thanks very much for the testimony. There may be questions of you Ms. Dickens. Mr. Sandberg.

**Board member Sandberg:** Thank you for your testimony. I noticed on the sketch in the application that there seemed to be a garage door both in the front and the back of the structure. Is your plan to be able to drive a car all the way through?

**Deanna Dickens:** I wouldn't have to drive it all the way through, but just so in case there have to be any reason to get to the front or the back if you have the garage doors going up, you know both sides, to get a lawn mower from the front or the back, you can do that type of thing. But I don't have a reason to drive all the way through the garage. But it would sort of make it more accessible if you had to get to the back of the property. And I understand the idea of having a detached garage but from my perspective, having an attached garage would be better because of the ice and things that accumulate and while it's true some of my neighbors do have detached garages, none of them have used them in the winters, the two winters that I've been there, because they're downward sloping and they are unable to get their cars out of the driveway. So they're all parking in the street or in the front of the properties. And I also, for my work sometimes have to go out at night in the middle of the night, and from a safety perspective, I'd rather walk into a garage certainly than have to shuttle myself to the back of a property and then you know sort of traverse out that way, if I needed to do that.

**Chair Perry:** Any other questions of Ms. Dickens? I see none, thanks again for your testimony. As I said, your testimony today will be part of the public record just as if you spoke on September 11<sup>th</sup>. Is there anyone else, who came down today, who would like to speak in support of this application, knowing that if you speak today you will not be able to speak on the 11<sup>th</sup>. Is there anyone here who would like to speak against this application, same reasoning? I see no one. Thanks. We are done with that item that will be continued to the September 11<sup>th</sup> Zoning Board of Adjustment regularly scheduled meeting which is one cycle. We're on to agenda item number five. 19 Barton Avenue Southeast. Ms. Sether.

**Absent:** Cahill and Ditzler  
**Motion approved to continue**